IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K. HEMA

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 19451 of 2007(N)

PETITIONER:

MOIDEENKUTTY.E., AGED 30 YEARS,
S/O.MOHAMMED MASTER, EDASSERY HOUSE,
P.O.NARIPARAMBA, THAVANOOR VIA, MALAPPURAM
DISTRICT.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPT OF HOME AFFAIRS,
THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POLICE,
NORKA NRI CELL,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

3. DEPUTY SUPERINTENDENT OF POLICE,
NORKA NRI CELL, THIRUVANANTHAPURAM.

4. SUB INSPECTOR OF POLICE,
PONNANI POLICE STATION.

5. RAJAN, THANKASSERY, KADAVOOR POST,
KOLLAM.

R1 TO R4 BY GOVT.PLEADER SRI P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO.19451 OF 2007

Dated this the 2nd day of July, 2007

JUDGMENT

Raman,J.

Petitioner is stated to be residing along with his family within the jurisdiction of Ponnani Police Station. He is planning to go abroad to better his prospects. On enquiry he came to know that Sri Rajan, the 5th respondent herein, is a visa agent. The petitioner was entrusted the 5th respondent an amount of Rs.2.5 lakhs for arranging a visa. But the 5th respondent did not arrange any visa nor did he return the amount. Though the petitioner has not made any complaint to the police, it is alleged that the 5th respondent, who is an influential person, has deputed a policeman and threatened the petitioner. It is also alleged that there is harassment. It is the further case of the petitioner that on 20/7/2007 the 3rd respondent threatened the petitioner over phone that if the petitioner attempts to approach the court, he should be charge-sheeted on various non-bailable offences. (The date alleged could only be mistaken, as the Writ Petition is filed on 25/6/2007). The 4th respondent issued a notice to the petitioner that he should be present before the 2nd respondent. Ext.P1 is a copy of the

same. Admittedly, when a notice is issued to the petitioner as evidenced by Ext.P1 by the Sub Inspector of Police in connection with some enquiry, the petitioner cannot contend that there is harassment. Unlike a case where a citizen is called to the police station without serving any notice here is a case where a specific notice as contemplated under law is served on the petitioner. Merely because the petitioner was called to the police station by a written notice, it cannot be believed that there is any harassment.

2. In such circumstances, there will be a direction that if and when any fresh notice is received by the petitioner, he shall appear before the concerned Police Officer at the place and time. Petitioner is allowed to appear along with his counsel, if he so desires.

Writ Petition is closed.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.